

REMARKS

The applicants have carefully considered the Office action dated January 27, 2004 and the references it cites. By way of this Response, claim 36 has been cancelled without prejudice to its further prosecution, and claims 37, 38, 40, and 45 have been amended. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

The Office action rejected all pending claims as being unpatentable over one or more of Harvey et al., U.S. Patent 5,887,243, Reep, U.S. Patent 6,327,569, and/or Buman et al., U.S. Patent 6,338,040. Applicants respectfully traverse each of these rejections.

Turning first to the rejection of claim 37, the Office action rejects this claim as being rendered obvious by Harvey et al. However, while claim 37 is directed toward an apparatus for electronically contracting with a farmer to grow a crop of interest, Harvey et al. describes an electronic system for farm production planning. In particular, Harvey et al. describes a farm planning system in which government planners electronically provide individual farmers with policy data and in which the computers of the individual farmers utilize the policy data and other data to automatically develop production plans for their farms. (See, for example, Harvey et al., Col. 280, line 66-Col. 281, line 39, Col. 288, lines 51-55, and Col. 289, line 33-Col. 290, line 13). The production plans developed by the farmers are uploaded to the remote data collection stations which aggregate the data and forward the same to the government planners. (See, for example, Harvey et al., Col. 292, lines 42-58). The government planners may then use the aggregated data to refine their

policies and to then return the aggregated data to the individual farmers to permit re-computation of the production plan of each individual farmer. (See, for example, Harvey et al., Col. 292, lines 58-65).

Claim 37, however, recites “a farm selector to electronically contract with the farmer of interest to grow the quantity of the crop of interest at the price developed by the pricing engine.” Since Harvey et al. is a planning tool, there is no teaching or suggestion of modifying Harvey et al. to electronically contract with farmers. None of the other references of record overcome this deficiency of Harvey et al. Accordingly, claim 37 is allowable over the art of record.

Independent claim 38 is also allowable. Claim 38 recites an article of manufacture storing machine readable instructions which, when executed by a machine, cause the machine to offer a contract to a farmer of interest to grow a quantity of the crop of interest at a price developed by a pricing engine. Again, Harvey et al. is a production planning tool. It does not disclose or suggest machine readable instructions which, when executed, cause a machine to offer a contract of any kind to anyone, let alone to offer a contract to a farmer to grow a quantity of a crop of interest at a price developed by the machine by executing the instructions. Accordingly, claim 38 and all claims depending therefrom must be allowed over the cited art.

Independent claim 40 is also allowable. Claim 40 recites an article of manufacture storing machine readable instructions which, when executed by a machine, cause the machine to select at least one product to be replaced by a crop of interest on at least some farms based at least in part upon projected profits; and estimate an economic effect that substituting the crop of interest

for the at least one of the products will have on at least one of: (a) demand for storage space; (b) land usage; and, (c) demand for at least one input to a farm. Neither Harvey et al. nor any other reference of record teaches or suggests such an article of manufacture. Accordingly, claim 40 and all claims depending therefrom must be allowed.

Independent claim 45 is also allowable. Claim 45 recites an article of manufacture storing machine readable instructions which, when executed by a machine, cause the machine to select a subset of farms to receive a contractual offer to grow a crop of interest based on the profit that the farms can expect to earn by growing a crop which is replaced by the crop of interest and upon at least one risk associated with the geographic location of the farms. As explained above, there is no teaching or suggestion of modifying Harvey et al.'s planning tool to select farms to receive a contractual offer. Accordingly, claim 45 and all claims depending therefrom must be allowed.

Independent claim 51 is also allowable. Claim 51 recites an article of manufacture storing machine readable instructions which, when executed by a machine, cause the machine to: (a) determine a first set of aggregated projected inputs and outputs of farms in a region of interest for growing products different than a crop of interest; (b) to select at least one of the products to be replaced by the crop of interest on at least some of the farms in the region of interest; (c) to determine a second set of aggregated projected inputs and outputs of farms in the region of interest assuming the at least some of the farms replace the at least one of the products with the crop of interest; and (d) to compute a difference between the first and second sets of aggregated inputs and outputs to estimate at least one effect growing the crop

of interest will have on the region of interest. Neither Harvey et al. nor any other reference of record teaches or suggests such an article of manufacture.

While it is true that Harvey et al. describes its production planning system as an iterative system (i.e., after the farmers upload their production plans and the government planners change their policy parameters, the farmers are given an opportunity to re-run their production plans), this does not teach or suggest computing the difference between first and second sets of aggregated inputs and outputs as recited in claim 51 because computing a difference between two static sets is not the same as iterating. Assuming, as the Office action does, that at a first time the Harvey et al. system is run, the data used to develop the production plans of the farmers comprises a first aggregated set of inputs and outputs, and the second time the Harvey et al. system is run (i.e., the next iteration after the planners have received the uploaded plans from the farmers and tweaked their policy parameters), the data used to develop the refined production plans constitutes a second set of aggregated inputs and outputs, there is absolutely no teaching or suggestion in Harvey et al. of computing a difference between those two sets of aggregated inputs and outputs. On the contrary, it appears that the first set of Harvey et al. is replaced by the second set. As a result, it is impossible for Harvey et al. to teach or suggest computing a difference between the first and second sets, since, at the time the second set exists, the first set no longer exists. Accordingly, the combination recited in claim 51 is neither taught nor suggested by the cited art, and claim 51 must be allowed.

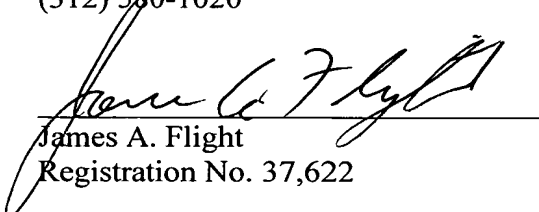
If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

Respectfully submitted,

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